

PUBLIC INFORMATION

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

E911 Requirements for IP-Enabled Service
Providers

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WC Docket No. 05-196

**M5 NETWORKS, INC. COMPLIANCE LETTER
REGARDING PROVISION OF E911 SERVICES**

— PUBLIC, REDACTED VERSION —

M5 Networks, Inc. (“M5”), by its undersigned counsel, submits this Compliance Letter to the Commission, in compliance with the Commission’s *VoIP E911 Order*.¹ By this Letter, M5 informs the Commission that it is fully compliant with the Commission’s rules for approximately 85% of its customers, but that achievement of 100% compliance has been impossible, despite M5’s diligent and good-faith efforts. This Report seeks further guidance from the Commission, as well as forbearance from the implementation of the Commission’s rules to the extent necessary.

M5 is a provider of interconnected VoIP services, as defined by the Commission. M5 provides these services to business customers, primarily in the New York metropolitan area, but also provides some incidental services to other locations maintained by its business customers. To the best of M5’s knowledge, its customers use M5’s service from fixed locations, and not for nomadic service.

In a series of filings made in response to the Commissions’ public notices of July 26² and August 26,³ M5 reported its full compliance with the customer notification requirements of § 9.5(e) of the Commission’s rules, and reported affirmative responses of receipt and understanding of its notices from 100% of its customers as of September 20 of this year.⁴

¹ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC (rel. June 23, 2005) (*VoIP E911 Order*).

² Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, DA 05-2085 (rel. July 26, 2005).

³ Public Notice, *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, DA 05-2358 (rel. Aug. 26, 2005).

⁴ M5 Network, Inc. Confirmation of 100% Compliance, filed in WC Docket No. 05-196 on September 28, 2005.

By this filing, M5 informs the Commission that it obtains from 100% of its customers their Registered Location before service is initiated, and provides them with one or more methods of updating this Registered Location information at will and in a timely manner, in compliance with § 9.5(d) of the Commission's rules.

In addition, M5 provides E911 service – in full compliance with §§ 9.5(a-c & f) to approximately 85% of its customers – the customers located in the New York metropolitan area. M5 has contracted with [] to provide this service. To the best of M5's information and belief, this service transmits "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized," and transmits ANI and Registered Location information to all answering points that are capable of receiving and processing such information.

To date, M5 has not yet been able to contract with a provider of E911 services in those areas outside of M5's major serving area where M5 is obligated to provide incidental service to its customers (such incidental service typically involves providing service to remote offices of New York-based customers).

M5 has conscientiously attempted to acquire services adequate to provide E911 to 100% of its customers, and has negotiated with []; [] and []. M5 has also initiated inquiries to one of the Bell companies, but has not been able to obtain any details of an E911 service offering from that carrier. M5 has found these areas of inquiry frustrating because there is no verification available that any of these services is fully compliant with the requirements of the *VoIP E911 Order*. For example, [] has noted that its service is not ubiquitously available;⁵ [] has pending before the Commission a petition for clarification that its service complies with the Commission's rules;⁶ the description of the service provided by [] does not appear to provide direct connections to the relevant PSAP in all cases; and despite statements from the Commission that "each BOC currently offers 911 capability to VoIP providers, and some BOCs have already entered into 911 arrangements with these providers,"⁷ M5's inquiries to date have not found such service to be available. In addition to these issues, there are numerous pending petitions filed by other parties that seek reconsideration or clarification of the Commission's rules on specific technical issues. Despite its concerted, good faith efforts to obtain E911 service from available service providers, M5 has found it impossible to identify a source of service that is unequivocally compliant with the Commission's rules. M5 therefore requests guidance from the Commission regarding the availability of E911 services from providers that meet the requirements set out in the *VoIP E911 Order*.

Given M5's success in providing E911 service to approximately 85% of its customers, and its conscientious efforts to acquire service that meets the Commission's requirements for its remaining customers, M5 submits that it is compliant with the Commission's

⁵ [] *ex parte* filing in WC Docket No. 04-36 and 05-196, dated [], 2005.

⁶ [] *ex parte* filing in WC Docket No. 04-36 and 05-196, dated [], 2005.

⁷ *VoIP E911 Order*, FCC 05-116 at 85.

rules to the extent possible. Should the Commission not agree with this assessment, M5 respectfully requests that the Commission forbear from imposing the requirements of §§ 9.5 (a-c & f) for the approximately 15% of M5 customers that M5 has been unable to serve. Such forbearance should remain in place until such time as more certainty is provided to the industry, and E911 offerings that unambiguously comply with the Commission's rules are ubiquitously available.

Respectfully submitted,

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